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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,359 03/09/2004		John Riley Hawkins	DEP5260	2263
27777 PHILIP S. JOH	7590 07/16/2007		EXAMINER	
JOHNSON & J	IOHNSON		RAMANA, ANURADHA	
ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			ART UNIT	PAPER NUMBER
TVD W DROTTO	, ,		3733	
			MAIL DATE	DELIVERY MODE
	•		07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FR 1.121(d). FO-152.		
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Office Action Summary Examiner		Application No.	Applicant(s)						
Anu Ramans 3733 Period for Reply A SHORTENED STATULTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATULTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. If NO period for ringly is specified above, the mailing date of the communication. If NO period for ringly is specified above, the mailing date of the communication. If NO period for ringly is specified above, the mailing date of the communication. If NO period for ringly is specified above, the mailing date of the communication. If NO period for ringly is specified above, the mailing date of the communication. If NO period for ringly is specified above, the mailing date of this communication, even if timely filled, may reduce any considerable term adjustment. See 37 CFR 1.704(s). Status 1) □ Responsive to communication(s) filled on 17 April 2007. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is plication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-33 35-41.44 and 46-48 is/are pending in the application. 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration. 5) □ Claim(s) 28-33 35-41.44 and 46-48 is/are rejected. 7) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on 4/17/07 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Paper No(synthal paper) is a certification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priorit		10/796,359	HAWKINS ET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be available under the processor of 3 CPR 1.18(b), no event, nower, may retyly be intered to demand the processor of 3 CPR 1.18(b), no event, flowers, may retyly be intered to eventual period for region is specified above, the maximum stability period will apply and will apply and will explore St (8) MONTH Stem the mailing date of this communication. Pathles to reply the specified above, the maximum stability period will apply and will apply and will explore St (8) MONTH Stem the mailing date of this communication. Pathles to receive the yellow the set of another period will apply and will apply and will explore St (8) MONTH Stem the mailing date of this communication. Pathles to receive the yellow the set of the communication. Pathles to receive the set of the communication. Pathles to receive the set of the communication of the communication. Pathles to receive the set of the communication. Pathles the set of the communication. Pathles the set of the communication of the communication. Pathles the set of the communication of the communication. Pathles the set of the communication of the communication. Pathles the set of the communication of the communication of the communication of the communication. Pathles the set of the communication of the communication of the communication of the communication of the communication. Pathles the set of the communication of the communication of the communication. Pathles the communication of the pathles the set of the pathles the set of the pa	Office Action Summary	Examiner	Art Unit						
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Ctaim(s) 1-33.35-41.44 and 46-48 is/are pending in the application. 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration. 5) Ctaim(s) is/are allowed. 6) Claim(s)	Status		* - s						
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Application/Control Number: 10/796,359

Art Unit: 3733

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 37, 40 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Due to the amendment of claim 28 in the last response, dependent claims 37, 40 and 41 are directed to an undisclosed embodiment of Applicants' invention and are thus deemed to be new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 28-33, 35-41 and 46-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 28, lines 13-14, "the first transverse throughole" lacks antecedent basis. In claim 28, lines 15-16, "the second transverse throughole" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Application/Control Number: 10/796,359

Art Unit: 3733

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 44 is rejected under 35 U.S.C. 102(b) as being anticipated by Duncan, Jr. (US 3,805,443).

Duncan, Jr. discloses a device including: a central body 12; a first extension 10 separate from the central body; a second extension 11 separate from the central body; and a rivet 13 wherein a first portion of the rivet is integral with one of the extensions and a second portion of the rivet is integral with the other of the extensions (Figs. 2 and 6, col. 1, lines 37-68 and col. 2, lines 1-67).

It is noted that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28-33, 35-36, 38-39, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan, Jr. (US 3,805,443) in view of Hoult (US 1,985,032).

Duncan, Jr. discloses all elements of the claimed invention except for a rivet having a first connecting pin having a male end and a second connecting pin having a female end.

It would have been obvious to one of ordinary skill in the art to substitute a two part rivet having a male end and a female end as, for example, taught by the Hoult Art Unit: 3733

reference for the rivet of the Duncan, Jr. device wherein so doing would amount to mere substitution of one functionally equivalent fastener for another within the same art and the selection of any of these fasteners would work equally well in the claimed device.

Response to Arguments

Applicant's arguments filed on April 17, 2007 have been fully considered and are most in view of the new rejections made in this office action.

Allowable Subject Matter

The indicated allowability of amended claim 44 is withdrawn in view of the new rejections made in this office action. The Examiner sincerely apologizes for any inconvenience cause to the Applicants by this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/796,359 Page 5

Art Unit: 3733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR July 8, 2007

> ANURADHA RAMANA PRIMARY EXAMINER TECHNOLOGY CENTER 3700